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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,324	11/21/2003	Raymond Willis Blodgett JR.	18393-301	4292

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,324

Applicant(s)

BLODGETT, RAYMOND WILLIS

Examiner

Douglas C. Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7,9-14,16 and 19 is/are allowed.
- 6) ☒ Claim(s) 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7, 9-14, 16 and 19 are allowed with claims 8 and 18 canceled.
2. Applicant's published application (US 2004/0104698 A1) is cited to complete the record.
3. Claim 1, line 4 a semi-colon should be added after "brake housing".
4. Claim 7, line 3 a semi-colon should be inserted after "shaft".
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis for "the performance of a manual operation on said slide out" of claim 15, line 2.

Re claim 17, "a self-contained brake" is recited in claim 17, line 2 and in claim 17, line 3 with parent claim 14, line 3 already reciting "a self-contained brake".

7. Claims 15 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. Applicant's arguments dealing with patentability are convincing. Applicant states on page 9 that ^{re}claim 1 "none of the asserted references disclose a biasing member connecting a brake housing to a bracket mounted on the motor that allows selective engagement of the brake housing with the bracket such that said brake housing is movable between a first position where said brake and said motor are disengaged. As

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87 a result, the asserted prior art does not have the capability to keep the brake mounted on the motor through a bracket even when the brake is disengaged from the motor. "

The examiner agrees with the above.

9. Applicant argues, re claim 7, that "relative to claim 7, none of the asserted references disclose, for example, a bracket having a self contained brake mounted therein that is elastically mounted on said motor such that said bracket is selectively movable between a first position on said motor wherein an external coupling member of a motor is located within a receptacle of the self-contained brake assembly. As a result, the asserted prior art does not have the capability of removing a self-contained brake from the motor without completely removing the self-contained brake from the motor. "

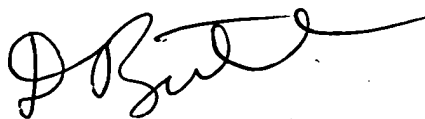
93 The examiner agrees with the above argument.

10. Applicant argues that "relative to claim 14, none of the asserted references disclose selectively moving a self-contained brake between a first biased position where the self-contained brake is located adjacent to and engaged with the motor and a second biased position where the self-contained brake is spaced away and disengaged from the motor and retaining the self-contained brake on the motor self-contained brake is spaced away and disengaged from the motor. Further, the self-contained brake is retained on the motor when the self-contained brake is in said first position and said second position. In this fashion, too, the user can disengage the brake from the motor without the disadvantages of the prior art."

The above argument is agreed with the examiner.

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11. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number 703-308-2575.



DOUGLAS C. BUTLER
PRIMARY EXAMINER

AV3683

2/26/05

Butler/vs
February 22, 2005